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ABSTRACT

This study provides updated information about states' kinship care policies for children in foster care based on a survey conducted in 1999. Almost all states give preference to and seek out kin when placing a child in foster care. However, states vary in the way that they assess and support kinship care. Most states assess kin differently than nonkin foster parents. Some kin receive foster care payments while others are supported with lesser payments. The paper also analyzes the impacts of the Adoption and Safe Families Act (ASFA) final rule on kinship care and discusses the challenge of creating kinship care policies that ensure child safety and address the unique needs of kin. The ASFA requires that a state's kinship care standards be the same as its nonkinship foster care licensing requirements, but it does not require that policies be uniform across the states. (Contains 4 figures, 6 tables, and 43 references.) (SLD)

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State Policies for Assessing and Supporting Kinship Foster Parents

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Discussion Papers



Assessing
the New
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Changing Social Policies

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July 2000



Assessing
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*An Urban Institute
Program to Assess
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Assessing the New Federalism is a multi-year Urban Institute project designed to analyze the devolution of responsibility for social programs from the federal government to the states. It focuses primarily on health care, income security, employment and training programs, and social services. Researchers monitor program changes and fiscal developments. Alan Weil is the project director. In collaboration with Child Trends, the project studies changes in family well-being. The project provides timely, nonpartisan information to inform public debate and to help state and local decisionmakers carry out their new responsibilities more effectively.

Key components of the project include a household survey, studies of policies in 13 states, and a database with information on all states and the District of Columbia. Publications and database are available free of charge on the Urban Institute's Web site: <http://www.urban.org>. This paper is one in a series of discussion papers analyzing information from these and other sources.

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Abstract

This study provides updated information regarding states' kinship care policies. Almost all states give preference to and seek out kin when placing a child in foster care. However, states vary in the way that they assess and support kinship care. Most states assess kin differently than non-kin foster parents. Some kin receive foster care payments while others are supported with lesser payments. This paper analyzes the impacts of the Adoption and Safe Families Act final rule on kinship care and discusses the challenge of creating kinship care policies that both ensure child safety and address the unique needs of kin.

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State Policies for Assessing and Supporting Kinship Foster Parents

Introduction

What Is Kinship Care?

In its broadest sense, kinship care is any living arrangement in which a relative or someone else emotionally close to a child (e.g., friends, neighbors, godparents) takes primary responsibility for rearing that child.¹ Most kinship care arrangements are private, in that they occur without any involvement from the child welfare system. This report examines state policies regarding “public kinship care,” or those kinship care arrangements in which the child welfare agency is involved.² This includes instances in which, following an investigation of a report of abuse or neglect, the child welfare agency removes a child from the home and takes custody of that child and places the child in kinship foster care. Public kinship care also includes situations in which the child welfare agency makes contact with a family, and suggests that a child be placed with kin, but does

¹ Some states’ child welfare agencies define kin narrowly to only include relatives and other states do not use the word “kin” at all and instead refer to the use of relative caregivers. This report uses the term “kinship care” to include state policies that consider only those related by blood, marriage, or adoption to be kin as well as state policies with a broader definition.

² Traditionally kinship care has been described as either “informal,” meaning that such caregiving arrangements occurred without the involvement of a child welfare agency, or “formal,” meaning that kin act as foster parents for children in state custody. Unfortunately, the use of the terms “informal” and “formal” to describe the range of kinship care arrangements may be misleading and inaccurate. For example, referring to kinship caregiving outside the purview of the child welfare system as informal may incorrectly imply that such arrangements are short-term or tenuous. Further, neither “informal” nor “formal” accurately describes voluntary kinship care placements in which child welfare agencies help arrange the placement of a child with a relative but do not seek court action to obtain custody of the child.

not take the child into state custody. This practice is sometimes called voluntary or non-custodial kinship care.

How Has Kinship Care Grown?

While the extended family has long played a role in caring for children whose parents were unable to do so, child welfare agencies' reliance on kin to act as foster parents is relatively new. When the Adoption Assistance and Child Welfare Act of 1980 was passed, forming the basis of federal foster care policy, it was very rare for a child's relative to act as a foster parent. However, available evidence suggests that kinship foster care increased substantially during the late 1980s and 1990s.³ Several factors have contributed to the growth in kinship foster care. While the number of children requiring placement outside the home has increased, the number of non-kin foster parents has declined. In addition, child welfare agencies have developed a more positive attitude toward the use of kin as foster parents and a number of federal and state court rulings have recognized the rights of relatives to act as foster parents and to be compensated financially for doing so.

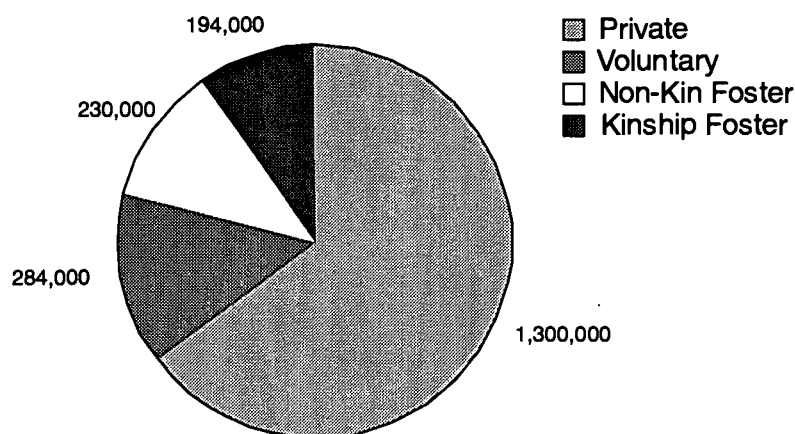
In 1997, approximately 2 million children were living with neither of their parents; 1.7 million of these were living with relatives. The vast majority of children who lived with relatives were in private kinship care (1.3 million); 194,000 were in kinship foster care and 284,000 children were in voluntary kinship care (see figure 1).⁴ Data from

³ Boots and Geen 1998; Harden et al. 1997; Kusserow 1992.

⁴ Ehrle, Geen, and Clark 2000. The population of children living in households without their parents present (children in kinship foster care, voluntary kinship care, private kinship care, and non-kin foster care)

39 states in 1998 found that public kinship care accounted for 29 percent of all children in foster care and 37 percent of children placed in family foster care (as opposed to group homes or institutional care).⁵

Figure 1. Children Living with Neither of Their Parents



Source: 1997 National Survey of America's Families

is about 3 percent of all children in the United States. Given the small size of this population, there is more room for error when estimating the sizes of the different subpopulations. The population estimates presented in this report represent our best attempt at enumerating the subpopulations of children in non-parent care. Yet it is important to note that the true population numbers may lie somewhere within a range of estimates. Specifically, these data suggest there is a 90 percent likelihood that the number of children in private kinship care is between 1,120,000 and 1,383,000; that the number of children in kinship foster care is between 130,000 and 232,000; that the number of children in voluntary kinship care is between 191,000 and 341,000; and that the number of children in non-kin foster care is between 164,000 and 270,000.

⁵ U.S. Department of Health and Human Services, analysis of data from the Adoption and Foster Care Analysis Reporting System (AFCARS), 1998.

What Are the Roots of the Kinship Care Debate?

Kinship care raises questions about the roles and responsibilities of both government and family. For instance, there is disagreement regarding the level of assessment of kinship homes. Some believe that due to the unique nature of kinship care, some traditional foster care requirements, especially those not relating to safety (e.g., space requirements), may not be relevant or necessary and an inability to satisfy such requirements should not prevent kin from providing care. At the same time, the safety of children in kinship care is clearly of paramount concern. While some states require all kinship caregivers to meet the same licensing requirements as non-kin foster parents, some states waive one or more of these requirements, and others offer an approval standard specifically for kin that is often less stringent than the non-kin foster care licensing process.⁶

There is also disagreement about the level of payment, if any at all, that kinship caregivers should receive. Some argue that paying kinship caregivers may provide families with an incentive to enter the child welfare system, instead of addressing family issues internally. Some further contend that it is inappropriate for relatives to receive money for what is seen as a familial duty—caring for a family member in a time of need. On the other side of the issue are those who argue that the basic needs of children are the same whether they are cared for by a relative or by a foster parent and that the government should see to it that these needs are met.

⁶ Boots and Geen 1999.

Further, there is some disagreement regarding the impact of kinship care on children's well-being. Advocates of kinship care point to the continuity that kinship care may provide to a child and the comfort of being placed with a known relative. Others are concerned that kinship care may place a child with a relative who shares the same family history of abuse or may give an abusive parent easier access to the child.

While data are limited, they indicate that many kinship foster care families face a variety of unique challenges in their roles as caregivers. Unlike non-kin foster parents, kin usually receive little if any advance preparation in assuming their role as caregivers. Research has also documented that kin foster parents are on average older, more likely to be single, and more likely to have less education and lower incomes than non-kin foster parents.⁷ They also are less likely to report being in good health.⁸

Despite these challenges, advocates of kinship care argue that children fare better when placed with relatives. Many experts suggest that these placements are less traumatic and disruptive for children than placements with non-kin.⁹ In addition, kinship care children may maintain a stronger connection with siblings, birth parents, and their community.¹⁰ Prior research has also shown that children in kinship foster care are much less likely than children in non-kin foster care to experience multiple placements.¹¹ However, while kinship care placements are very stable, children remain in them for

⁷ Barth, Courtney, Berrick, and Albert 1994; Chipungu et al. 1998; Le Prohn 1994.

⁸ Barth, Courtney, Berrick, and Albert 1994; Berrick et al. 1994; Chipungu et al. 1998.

⁹ Gleeson and Craig 1994; Johnson 1994; Zwas 1993.

¹⁰ Barth et al. 1994; Berrick et al. 1994; Chipungu et al. 1998; Davis, Landsverk, Newton, and Ganger 1996; DiLeonardi, N.D.; Le Prohn and Pecora 1994; GAO 1999; Gleeson, O'Donnell, and Bonecutter 1997; Testa 1997; Testa and Rolock 1999.

¹¹ Beeman et al. 1996; Benedict, Zuravin, and Stallings 1996; Berrick, Needell, and Barth 1995; Chipungu et al. 1998; Courtney and Needell 1994; Goerge 1990; Iglehart 1994; Le Prohn and Pecora 1994; Zimmerman et al. 1998.

relatively long periods of time, are less likely to be reunified with their parents,¹² and are less likely to be adopted by their caregivers, compared with children in non-kin foster care placements.¹³

How Have Federal and State Policies Affected Kinship Care?

Federal child welfare policy promotes kinship placements. In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), the legislation that gave states considerable authority over the federal cash assistance program, also addressed kinship care, requiring states to “consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protection standards.” Also, in 1997, the Adoption and Safe Families Act (ASFA) acknowledged the unique position of kinship placements within the foster care system.¹⁴

States have historically had considerable flexibility in how they assess and pay kinship caregivers. The federal government has carefully regulated states’ foster care practices and set guidelines for the types of families that may receive federal reimbursement, but until recently it remained silent on how states may treat kin differently from non-kin foster parents. As a result, states vary considerably in how they treat kinship caregivers. In 1997, the Urban Institute conducted a national survey of

¹² Benedict and White 1991; Berrick et al. 1995; Chipungu et al. 1998; Courtney 1994, Testa 1997.

¹³ Berrick et al. 1995; McLean and Thomas 1996.

¹⁴ ASFA indicates that “a fit and willing relative” could provide a “planned permanent living arrangement.” Second, it states that termination of parental rights does not have to occur within the allotted time frame if, “at the option of the State, the child is being cared for by a relative.” This is not intended as a blanket exemption, but rather an option to be addressed on a case-by-case basis.

states' kinship care policies and found that many states assess and pay kin differently from non-kin.

States support kinship care primarily with foster care payments or Temporary Assistance for Needy Families (TANF) grants. TANF grants are smaller than foster care payments, sometimes significantly, depending on the state as well as the number of children in care.¹⁵ The type of payment that kin receive is directly linked to the process by which they are assessed, with less stringent standards often resulting in payments that are less than foster care payments. Any relative caring for a child in a public or private kinship care arrangement is eligible for a TANF child-only payment, regardless of income, provided that they meet the TANF definition of a relative caretaker.¹⁶

In January 2000, the U.S. Department of Health and Human Services (HHS) released a final rule to guide state implementation of ASFA, including requirements for state licensing of kinship care homes. States no longer have flexibility in approving and paying kinship care providers for whom they seek federal reimbursement from title IV-E funds.¹⁷ Now, in order for states to claim federal reimbursement for these kinship placements, “relatives must meet the same licensing/approval standards as nonrelative foster family homes.” States that waive requirements for all kin as a group cannot receive federal reimbursement for foster care expenses for these kinship placements, though “special situations may arise with relative caretakers in individual cases where there are grounds

¹⁵ Foster care payments are the same amount per child, regardless of the number of children being cared for, but TANF payments are prorated on a declining scale based on the number of people in the assistance unit.

¹⁶ Under AFDC, relatives were entitled to child-only payments, but under TANF states can, but are not obligated to, provide assistance to kinship caregivers. Currently all states except Wisconsin provide payments to all relative caregivers who seek assistance.

¹⁷ Eligibility for federal support (IV-E eligibility) is based on the income of the parent or guardian from whom the child was removed. IV-E eligibility is specifically based on 1996 AFDC standards.

for waiving certain requirements, such as square footage of the relative's home. The safety standards, however, cannot be waived in any circumstance....” The regulation further mandates that “To the extent that waivers are allowed, they must be granted on a case-by-case basis, based on the home of the relative and the needs of the child. *The state may not exclude relative homes, as a group, from any requirements.*” The final rule, however, does not prohibit states from placing children with relatives who do not meet all licensing standards, stating that the requirement that foster homes be fully licensed “relates to title IV-E eligibility only.”

The ASFA final rule further restricts states in paying kinship caregivers with federal IV-E funds. Usually kinship caregivers do not plan to be foster parents, but agree to do so when a child must be removed from the home, and become provisionally licensed so that they can care for the child immediately. The ASFA final rule prohibits states from claiming federal IV-E reimbursement for emergency placement kinship care homes or for provisionally licensed kinship caregivers.

How Is Kinship Care Policy Changing?

To assess changes in states' kinship care policies subsequent to 1997, the Urban Institute conducted a follow-up survey in 1999. A follow-up survey was needed because kinship care policy is an area that is still evolving, with significant changes occurring at both the federal and state levels. In addition, experience from the 1997 survey provided lessons on how to best collect the information as well as what additional information would be useful in analyzing states' treatment of kinship care. To the extent possible, this report compares state responses from the 1999 Child Welfare survey to information

collected in the 1997 survey. Moreover, the survey, completed on the eve of the ASFA final rule, illustrates how states assessed and paid kinship care homes prior to ASFA and allows an analysis of the effect that the final rule might have.

The survey was mailed in July 1999 to the state child welfare director in each of the 50 states and the District of Columbia. Urban Institute staff subsequently contacted the state child welfare staff assigned to complete the survey in order to explain the purpose of the survey and answer questions. Every state and the District of Columbia completed the survey. Upon receipt of the completed survey, the accuracy of the data was ensured through telephone and e-mail correspondence. When data collection was completed, all responses were sent back to the state for review and confirmation.

In addition to completing the survey, some states provided copies of their kinship care policies. These policies provide additional details on how states address kinship care. This additional documentation ranged from extensive policy manuals addressing many aspects of kinship care policy to one-page definitions of kin. While generalizations are not possible from the materials, they provide a rich context in which to view the kinship care survey results.

States' Support for Kinship Care, Preference, and Definitions

State Policies on the Advantages and Disadvantages of Kinship Care

Most states acknowledge the potential benefits of kinship care and list some of them in their policies. For example, Missouri policy asserts that:

“Kinship care is the least restrictive family-like setting for children requiring out-of-home placement. Children have the opportunity for continued family relationships and contact with persons, groups and institutions they were

involved with while living with their parents. Kinship care reinforces the social status that comes from belonging to a family of one's own and the sense of identity and self-esteem that is inherent in knowing one's family history and culture."

Texas policy also says that kin "have an ongoing relationship with the parents that makes it easier to work towards family reunification." Similarly, Colorado policy states that kinship care can "minimize [the] trauma of out-of-home placement" and "support and strengthen families' ability to protect their children and to provide permanency."

While the District of Columbia's policy manual states that "Children who remain with kin have the advantage of being raised with familiar individuals, values, and cultural identities," the policy also acknowledges another reason for kinship placements. In discussing kinship care, the District of Columbia's policy states that "This vital resource takes on additional significance because the current supply of traditional foster and adoptive homes is not adequately meeting temporary and permanent placement demands." Nationwide, there is a shortage of foster parents and states increasingly turn to kin in order to fill this void.

Some state policies also acknowledge the potential disadvantages of kinship care. For example, Kansas policy notes that kin "providers may have difficulty setting boundaries with the parents and allow unsafe access to the child,... [they] may be more resistant to reintegration efforts or visits,... [they] may come from the same abusive background as the parent and be unable to provide care," and the "service needs may be greater for kinship providers as they tend to be older and have fewer financial resources."

State Preference for Kin

In our 1997 survey, states were asked if they give preference to kin over non-kin foster parents when placing a child. Forty-eight states and the District of Columbia gave kin preference, but it was unclear what giving preference to kin meant. States could have been merely instructing workers to give preference to kin when faced with both potential kin and non-kin placements, or workers may have been instructed to seek out kin placements prior to placing a child with non-kin. Based on findings from the 1999 survey, almost all states not only give preference to kin when placing children, they actively seek out kin prior to placing a child with a non-kin foster parent. Forty-five states and the District of Columbia responded that they always seek out kin prior to placing a child with non-kin, three states responded “sometimes,” and two states did not give kin preference (see table 1).

Some state policies elaborate on giving preference to kin. In Missouri, “if potential kinship providers are not identified immediately, the Social Worker must continually explore the possibility of kinship care.” In Maryland, “If a kinship parent is located subsequent to the placement of a child in a foster care setting, the local department may, if it is in the best interests of the child, place the child with the kinship parent.”

Among states that give preference to kin, some also discuss how to identify kin placement candidates. Most of the policies that addressed how to identify kin were similar to that of Missouri, which states that “the Social Worker should ask the parent and child to identify potential kinship providers.” Similarly, Connecticut’s policy says that “The parent has a right to suggest a relative of the child or other person to be the foster

parent of their child. The treatment worker shall inform the parent of this right and shall ask the parent if he or she wishes to make such a suggestion.” And, in Vermont, “Staff will take active steps to identify a family’s kinship resources and supports, including potential kinship foster parents, by asking: The child’s parent(s) or guardian; The child’s non-custodial parent; and The child, when appropriate, for names and identifying information of kin. Staff should question other persons who may know the child. This may include doctors, school personnel, neighbors, service providers, and other community members.”

Some states that give preference to kin also prioritize placement among kin. In Idaho, “placement priority shall be given in the following order: Immediate family; extended family members; non-relative family members with a significant established relationship with the child; other licensed foster parent.” Louisiana’s policy lists the order of preference in even greater specificity, stating that “The following are those listed to whom care of the child may be entrusted and are listed in the order of priority: a) grandparent; b) aunt or uncle; c) sibling; d) cousin.”

Other states that give preference to kin also instruct workers how to choose when faced with more than one potential kinship care placement option. In Massachusetts, workers are directed to consider background checks, whether kin “have an existing, current, and close involvement with the child,” and “whether kin live in the same geographic area as the child, thereby allowing the child to remain in the same school system, with the same medical provider, etc.” Workers are also instructed to consider parental preference and kin’s experience with the child’s special needs or problems.

In California, when more than one relative requests placement of the child, policy instructs workers to compare assessments of each relative based on a number of factors, including the best interest of the child, such as physical, psychological, educational, medical, or emotional needs; the wishes of the parent, the relative, or the child; placement of siblings and half-siblings in the same home; the nature and duration of the relationship between the child and the relative and the relative's desire to care for the child; and the financial and personal ability of the relative to provide a safe, secure, and stable home for the child and to protect the child from his or her parents, facilitate court-ordered reunification efforts with the parents, and provide legal permanence for the child if reunification fails.

State Definitions of Kin

States have had considerable flexibility in defining "kin" for the purposes of foster care policy. In 23 states and the District of Columbia, the definition of kin includes only those related by blood, marriage, or adoption. However, 21 state definitions include persons beyond blood marriage or adoption (such as family friends, neighbors, or godparents).¹⁸ In addition, six states reported that they have no formal definition of kin (see table 1).

¹⁸ In addition, Wyoming reported that it does not have a formal policy definition of kin but that in practice kin includes those beyond blood, marriage, or adoption.

Table 1. State Definitions of and Preference for Kin

<i>State</i>	<i>Only those related by blood, marriage, or adoption, or beyond</i>	<i>Where Documented</i>	<i>Compared to TANF Definition</i>	<i>Seek Kin before Placing with Non-Kin</i>
Alabama	Only	State Statute	Broader and Narrower	Yes
Alaska	Beyond	Policy Manual	Same	Yes
Arizona	Beyond	Policy Manual	Broader	Yes
Arkansas	Only	State Statute	Same	Yes
California	Only	State Statute	Same	Yes
Colorado	Beyond	Policy Manual	Broader	Yes
Connecticut	Only	Policy Manual	N/A	Yes
Delaware	Only	State Statute	Same	Yes
District of Columbia	Only	State Statute	Broader	Yes
Florida	Only	State Statute	Broader	Yes
Georgia	Beyond	Policy Manual	Broader	Yes
Hawaii	No Definition			Yes
Idaho	Beyond	Policy Manual	Same	Yes
Illinois	Only	State Statute	Narrower	Sometimes
Indiana	Only	State Statute	Broader	Yes
Iowa	Only	Policy Manual	Same	Yes
Kansas	Only	State Statute	Narrower	Yes
Kentucky	Only	State Statute	Same	Yes
Louisiana	Beyond	State Statute	Same	Yes
Maine	Only	Policy Manual	Same	Yes
Maryland	Beyond	State Statute	Broader	Yes
Massachusetts	Beyond	Policy Manual	Broader	Yes
Michigan	Beyond	Policy Manual	Broader	Yes
Minnesota	Beyond	State Statute	Broader	Yes
Mississippi	Only	Policy Manual	Same	Yes
Missouri	Beyond	Policy Manual	Broader	Yes
Montana	Beyond	Policy Manual	Broader	Yes

Table 1. State Definitions of and Preference for Kin

<i>State</i>	<i>Only those related by blood, marriage, or adoption, or beyond</i>	<i>Where Documented</i>	<i>Compared to TANF Definition</i>	<i>Seek Kin before Placing with Non-Kin</i>
Nebraska	No Definition			Yes
Nevada	Only	State Statute	Same	Yes
New Hampshire	Beyond	Policy Manual	Broader	Yes
New Jersey	No Definition			Yes
New Mexico	Beyond	Policy Manual	N/A	Yes
New York	Only	State Statute	Narrower	Yes
North Carolina	Beyond	Policy Manual	Broader	Yes
North Dakota	No Definition			Yes
Ohio	Beyond	Policy Manual	Broader	Yes
Oklahoma	Beyond	State Statute	Broader	Yes
Oregon	Only	Policy Manual	Same	Yes
Pennsylvania	Beyond	Policy Manual	Broader	No
Rhode Island	Only	Policy Manual	Broader	Yes
South Carolina	Only	Policy Manual	Same	Sometimes
South Dakota	Only	Policy Manual	Same	Yes
Tennessee	Only	State Statute	Broader	Yes
Texas	Beyond	Policy Manual	Broader	Yes
Utah	Beyond	State Statute & Policy Manual	Broader	Yes
Vermont	Only	Policy Manual	Same	No
Virginia	No Definition			Sometimes
Washington	Only	State Statute	Same	Yes
West Virginia	Beyond	Policy Manual	Broader	Yes
Wisconsin	Only	State Statute	Narrower	Yes
Wyoming	No definition			Yes

Note: Some states reported that their kin definition is documented somewhere other than in agency policy manual; these states' definitions were re-categorized based on the level of formality of the manner in which the definition was documented.

Alaska: Kin definition comes from the Division of Public Assistance.

Iowa: In process of incorporating definition into Policy Manual.

Kansas: Definition in administrative regulations.

Kentucky: Definition in proposed administrative regulation.

Massachusetts: Definition in Policy Manual and draft policy.

New York: Definition in state regulation.

Pennsylvania: Definition in agency bulletin.

Wyoming: No definition of kin in policy but in practice include those beyond blood, marriage, r adoption.

States vary not only in who they include in their definition of kin but also in where the definition is documented. In 25 states,¹⁹ the definition of kin is found in an agency policy manual; in 19 states²⁰ and the District of Columbia, the definition is in a state statute. While a definition of kin in statute is legally binding, a definition in an agency policy manual may be more flexible and serve more as a guide. It is uncertain how workers interpret kin definitions that are in an agency policy manual. Further, definitions in statute tend to be narrower than those in an agency policy manual. Of the 19 states and the District of Columbia with a kin definition in a state statute, 14 and the District of Columbia included only those related by blood, marriage, or adoption and 5 states included those beyond. Of the 25 states whose definition of kin was in an agency policy manual, 16 included those beyond blood, marriage, or adoption and 9 had a narrower definition (see figure 2).

In many states, the definition of kin for child welfare purposes differs from the state's TANF definition of kin, which is generally limited to blood relatives.²¹ In 23 states and the District of Columbia, the child welfare definition of kin is broader than the TANF definition, which enables more people to serve as kinship resources for children

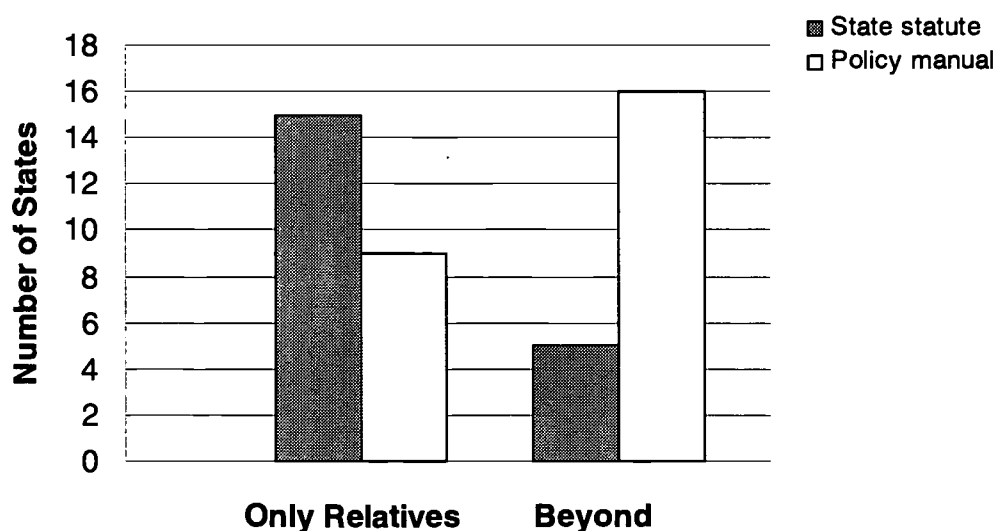
¹⁹ Of these states, Alaska reported that the definition comes from the Division of Public Assistance, Iowa was in the process of incorporating the definition into its Agency Policy Manual, Massachusetts reported that the definition was in its agency protocol and in draft policy, Pennsylvania's definition was in its agency bulletin, and Wyoming had a definition in practice but no formal policy.

²⁰ Of these states, Kansas reported that the definition was in its administrative regulations, Kentucky reported the definition was in a proposed administrative regulation, and New York said the definition is in a state regulation.

²¹ Under TANF, states have the flexibility to define who is eligible for child-only payments but appear to have maintained a narrow definition of relative.

(see table 2).²² Of those that define kin more broadly than the TANF definition, nine states and the District of Columbia use a TANF child-only payment to support some kin caring for children in state custody, because they are unable or choose not to meet the foster care approval standards (see Licensing and Payment below).²³ In these 10 states and the District of Columbia, there may be some kin who can care for a child in state custody but cannot receive either a foster care payment or a TANF child-only payment because they cannot meet the full foster care licensing standards and they do not meet the TANF definition of kin.

Figure 2. State Definitions of Kin by Where the Definition Is Documented



²² This includes Alabama, which reported that the child welfare definition of kin is both broader and narrower than the TANF definition. In four states, the child welfare definition is narrower than the TANF definition. For example, in Illinois, the child welfare definition of kin includes those within three degrees of relatedness, while the TANF definition extends to the fifth degree. In 18 states, the child welfare and TANF definitions of kin are the same.

²³ In addition, Wyoming reported that it does not have a formal definition of kin in policy but in practice the kin definition is broader than the TANF definition, and some kin are supported with TANF instead of foster care payments.

States' Policy Treatment of Kinship Care: Licensing, Payment, and Supervision

State Policies Regarding Licensing

With limited federal guidance, state kinship care policies have evolved in such a way that many states have multiple assessment options for kin. Some states require all kin to meet the same standards as non-kin foster parents. Other states waive or modify some of these requirements for kin, and some states have a separate approval process specifically for kin. As a result, the treatment of kin across states differs greatly. At the same time, in states with multiple assessment standards, some kin may be assessed very differently from other kin within the same state.

Fully Licensed

In 10 states,²⁴ kin must meet the same foster care standards as non-kin. In the remaining 40 states and the District of Columbia, kin can choose to be assessed by a different standard, which often results in a smaller payment (see table 2). In 1997, seven states reported that all kin were required to be licensed by the full foster care standard.²⁵

²⁴ Including Florida, which offers only the full foster care standard to kin caring for children in state custody but in which approximately 90 percent of public kinship care children are in the Relative Caregiver Program for children not in state custody. In two additional states, all nonrelated kin must meet the foster care standards but related kin are not required to meet these standards.

²⁵ Colorado, Florida, Indiana, Iowa, Minnesota, Pennsylvania, and Utah. In 1997, Alabama, Kansas, and Texas also reported that all kin must meet the same non-kin foster care standards, but in 1999 they told us that the 1997 responses were incorrect.

Table 2. Licensing Options Offered to Kin and Payment Provided

<i>State</i>	<i>Foster care</i>	<i>Waived</i>	<i>Kin Approval Process</i>
Alabama	Foster care	Foster care	TANF
Alaska	Foster care		
Arizona	Foster care		TANF + Other
Arkansas		Foster care	
California			Foster care or TANF
Colorado	Foster care		Foster care
Connecticut			Foster care
Delaware	Foster care		TANF
District of Columbia	Foster care		Foster care/TANF
Florida	Foster care		
Georgia		Foster care Or TANF	
Hawaii	Foster care		
Idaho	Foster care		TANF
Illinois	Foster care		Other
Indiana	Foster care		
Iowa	Foster care		
Kansas	Foster care		TANF
Kentucky	Foster care		TANF
Louisiana	Foster care		TANF
Maine	Foster care		Foster care
Maryland	Foster care		TANF
Massachusetts		Foster care	
Michigan		Foster care	TANF
Minnesota	Foster care		
Mississippi		Foster care	TANF
Missouri	Foster care	It depends	
Montana		Foster care	TANF
Nebraska	Foster care		Foster care or TANF
Nevada		Foster care	TANF
New Hampshire	Foster care		TANF
New Jersey	Foster care		TANF
New Mexico	Foster care	Foster care	
New York			Foster care

Table 2. Licensing Options Offered to Kin and Payment Provided

<i>State</i>	<i>Foster care</i>	<i>Waived</i>	<i>Kin Approval Process</i>
North Carolina	Foster care		TANF
North Dakota	Foster care		
Ohio	Foster care		TANF + Other
Oklahoma			Foster care
Oregon		Foster care	TANF
Pennsylvania	Foster care		
Rhode Island		Foster care	
South Carolina	Foster care		TANF
South Dakota	Foster care		TANF
Tennessee		Foster care	
Texas		Foster care	TANF
Utah	Foster care		
Vermont	Foster care		Foster care
Virginia	Foster care		
Washington		Foster care	
West Virginia	Foster care	Foster care	
Wisconsin	Foster care		TANF
Wyoming	Foster care		TANF

Notes:

Arizona: In addition to TANF, provides auxiliary payments for one-time expenses.

California: Provides foster care payments to caregivers caring for IV-E eligible children. Kinship caregivers caring for non-IV-E-eligible children may receive TANF.

District of Columbia: Offers two separate kin standards; the more comprehensive of which provides foster care payment, kin assessed by the less comprehensive process receive TANF.

Georgia: Kin choose to receive either foster care or TANF. Kin who choose to receive TANF receive less child welfare supervision.

Illinois: Provides a payment from state funds greater than TANF but less than foster care.

Missouri: All grandparents receive foster care payment regardless of the child's IV-E status. If the child is IV-E eligible, other related kin also receive foster care. If the child is not IV-E eligible, the related kin receive TANF.

Nebraska: Kin may choose to receive either foster care or TANF.

New Jersey: Child welfare agency provides some kin with the equivalent of a TANF payment.

Ohio: Counties may provide support to kin out of local revenues.

Waivers and Modifications

Sixteen states apply non-kin foster care licensing standards to kin but waive or modify one or more of the standards that would not be waived for non-kin foster parents (see table 3).²⁶ Nine of these 16 states waive or modify some requirements for all kin as a group, not on a case-by-case basis.²⁷ The other seven states that waive or modify requirements for kin only do so on a case-by-case basis. This distinction is important in light of the ASFA final rule regarding title IV-E reimbursement requirements, which will be discussed in greater detail later in this paper.

Among the states that waive or modify standards for kin, 11 states waive or modify training requirements. For example, in Tennessee, a lengthy foster parent training requirement, which can last as long as 10 weeks, is waived for kin. In Massachusetts, the number of required pre-service training hours is modified from 30 hours for non-kin to 10 hours for kin caregivers. Nine of these states waive or modify training requirements for all kin.

Also, 10 states waive or modify physical space requirements for kin. For example, in Texas, the non-kin space requirement of 40 square feet per child may be waived for kin. In Massachusetts, the requirement is modified from an absolute 50 square feet to a range of 35 to 50 square feet. Five of these states waive or modify space requirements for all kin.

²⁶ Some states noted that kin approved by a process other than full foster care licensing are approved to care only for kin, not for other foster children. Also, it is important to note that some states waive requirements for non-kin foster parents as well as kinship caregivers. However, the survey specified that states should only report waivers that would not be granted to non-kin foster parents.

²⁷ Among these 16 states, West Virginia noted that its waived standard is only for kin who plan to become legal guardians of the child and participate in the state's subsidized guardianship program.

States also waive or modify requirements pertaining to the kinship caregiver. For example, five states waive or modify minimum age requirements; four states waive or modify income requirements; two states waive or modify medical exams; and one state waives a length-of-marriage requirement. In addition, two states waive or modify limits on the total number of children in the home; two states waive aspects of the background checks; and one state modifies the time-frame requirements for completing the home study.

Table 3. States That Waive Foster Care Licensing Requirements for Kin

<i>State</i>	<i>Waived for All Kin or Case-by-Case</i>	<i>Space</i>	<i>Training</i>	<i>Income</i>	<i>Age</i>	<i>Caregiver Medical Exam</i>	<i>Length of Marriage in Home</i>	<i>Number of Kids in Home</i>	<i>Aspects of Criminal Check</i>
Alabama	Case-by-case				x				
Arkansas	All		x		x	x			
Georgia	All		x						
Massachusetts	All	x	x						
Michigan	All		x						
Mississippi	Case-by-case	x		x			x		
Missouri	All		x						
Montana	All	x	x						
Nevada	Case-by-case	x		x					
New Mexico	Case-by-case	x							
Oregon	Case-by-case	x							
Rhode Island	All	x	x		x				x
Tennessee	All		x						x
Texas	Case-by-case	x	x					x	
Washington	Case-by-case	x	x		x				
West Virginia	For all relatives who agree to become legal guardians	x	x	x		x		x	

Kin Approval Processes

Thirty-one states and the District of Columbia²⁸ offer separate approval processes for kin, which vary in their levels of assessment but in most cases are less stringent than the non-kin foster care licensing standards.²⁹ The most common elements of this assessment standard are a home study, a criminal background check, and a child abuse registry check. Some states also ask for references and conduct a personal interview with the caregiver. In some cases, this kin-specific standard is very similar to the waived standard in its requirements.

In most cases, these other assessment processes do not simply build on non-kin policy, but create new policy specific to kinship care. For example, Vermont's kin assessment addresses issues unique to kin, including "examining the present and historical relationships among the child, parents, and the kinship foster parent," as well as "kin's ability to protect the child from abusive parents and/or the child from his or her own risk behaviors" and the "existence of multigenerational cycles of abuse."

New York provided its kinship care policy as well as its policy for non-kin foster parents, which offer a clear illustration of the very detailed standards sometimes required of non-kin foster parents. While kinship homes simply must provide "sufficient sleeping arrangements and space," for non-kin:

²⁸ The District of Columbia reported that it has two different kin approval processes. One assessment is more stringent than the other and more closely resembles the non-kin foster care standards. Kin assessed by this standard receive a foster care payment. The second standard is less stringent and kin assessed by this standard may receive a TANF child-only payment.

²⁹ Some states noted that kin approved by a process other than full foster care licensing are approved to care only for kin, not for other foster children. Further, with nine states that require kin to meet the same licensing standards as non-kin foster parents, 16 states that waive or modify foster care requirements, and 34 states with other approval standards, it is clear that some states offer more than one standard.

“Foster homes shall have separate bedrooms for children of the opposite sex over four years of age. Not more than three persons shall occupy any bedroom where children at board sleep. Every sleeping room occupied by children at board shall have good natural light and ventilation and shall have one or more windows opening directly to outside air. Beds shall be so arranged as to permit free circulation of air under each. Bedrooms shall have sufficient space to ensure privacy for children and store personal possessions. No bed shall be located in any unfinished attic, basement, stairhall or room commonly used for purposes other than sleeping. No child above the age of three years shall sleep in the same room with an adult of the opposite sex.... Sleeping rooms shall provide at least 45 square feet of floor space for each bed or crib and beds or cribs must be at least two feet apart, and there shall be a minimum of two feet clearance for passage between furniture....”

Provisionally Licensed Kin

Rarely do kinship caregivers plan to be foster parents, but rather agree to do so when a child must be removed from the home. In these emergency situations, kin are typically provisionally licensed so that the child may be placed with them immediately, and then complete the licensing process shortly thereafter. While the survey did not ask states about their policies regarding emergency placements and provisional licensure, some state policies address and provide information on the issue. For example, in Colorado:

“When removal from parents or guardians occurs on an emergency basis, in order to keep children within their kinship system and avoid non-kinship placement, children may be placed on a visitation basis with kinship providers prior to certification as a kinship care or foster care home. Kinship care assessment shall begin as soon as possible and be completed within 30 calendar days.”

Nebraska’s policy states that before a child is put in an emergency placement the child welfare worker must visit the home to ensure adequate housing and conduct child abuse and criminal background checks. The worker must also complete the approval process for unlicensed homes within 30 days.

Non-Custody Placements

In addition to assessing kin who care for children in state custody, most states help place children with kin without seeking state custody in some instances. In such cases, a family may be brought to the attention of the child welfare agency and the caseworker may recommend that the child be placed with a relative instead of being taken into state custody. Data from the 1997 National Survey of America's Families show how common this practice is. In 1997, there were approximately 284,000 children in voluntary kinship care, but we did not know states' child welfare policies regarding the supervision and support of these non-custody kin placements.

In the 1999 Child Welfare Survey, 39 states reported that they help arrange kinship placements without seeking state custody. Some of these states have no formal assessment process for non-custody kin caregivers, and fewer than half reported that they conduct background checks on these kin or perform a home study. Eight states reported that they had no formal assessment process for non-custody kinship caregivers.³⁰ Four states reported that caseworkers do not assess kinship arrangements if the child is not in state custody or without court involvement. Eighteen states reported that caseworkers conduct criminal background checks for kin caring for children not in state custody, and 16 states perform child abuse checks.³¹ Sixteen states reported that they perform a home study of these kin.³²

³⁰ However, Alabama noted that child abuse registry and criminal checks would be done.

³¹ With overlap, 19 states perform child abuse registry or criminal background checks.

³² Massachusetts reported that these children are considered to be "in the care" of the state and that it does the same assessment as for kin caring for children in state custody. Montana reported that if a child is placed with kin under a parental agreement with the agency, it would do criminal and child abuse background checks; but if the placement is between kin and the parent, no formal assessment is required.

State Policies Regarding Payment

The type of payment that kinship caregivers receive is directly linked to their assessment process. In some states, kin must meet the full non-kin foster care standards in order to receive a foster care payment but in other states kin may meet a lower standard and still receive foster care payments. Many states with a separate approval standard for kin provide kin with payments other than foster care, often a TANF child-only payment (see figure 3).

Foster Care Payments for Kin

All 50 states and the District of Columbia have at least one licensing option that pays kin a foster care payment.³³ However, in California, New Jersey, and Oregon the child must be IV-E eligible in order to receive a foster care payment.³⁴ In 26 states kin must meet all non-kin foster care standards in order to receive a foster care payment. Twenty-four states and the District of Columbia offer foster care payments to kin approved by a standard that is different from the non-kin foster care standard. These 24 states and the District of Columbia include all 16 states that modify or waive some of the non-kin requirements,³⁵ of which 9 do so for all kin as a group.³⁶ Because these states waive

Louisiana and New York simply reported that workers do a safety assessment on these kin but did not specify what the assessment entails. New Hampshire did not provide information about the assessment process.

³³ In 1979 the Supreme Court in *Miller v. Youkim* ruled that relatives caring for children eligible for federal support were entitled to the same payments as non-kin foster parents. However, states were left with discretion on how they support kin caring for children not eligible for federal support and kinship caregivers who do not meet certain licensing requirements.

³⁴ These are also the only three states that reported such a requirement in the 1997 survey.

³⁵ Among these states, in Georgia the kin family may choose a foster care payment or TANF (which would involve less supervision), and in Missouri all grandparent caregivers and caregivers caring for IV-E eligible children get foster care but nongrandparents caring for non-IV-E eligible children cannot get foster care unless licensed.

³⁶ In West Virginia, this standard is only for kin who agree to become legal guardians.

requirements for kin as a group, instead of case-by-case, they will have to alter their policies in order to comply with ASFA. The other 7 states that waive or modify requirements for kin do so on a case-by-case basis only and therefore should not be affected by the new ASFA regulations.

Eight states and the District of Columbia that have a separate approval process specifically for kin provide foster care payments to kin assessed by this process.³⁷ These states will also be affected by ASFA, as they treat kin as a group differently from non-kin and use federal IV-E funds to support them.

TANF and Other Payments for Kin

Twenty-four states and the District of Columbia have separate approval processes for kin and do not provide foster care payments to kin assessed by this process. These kin receive another payment, usually a TANF child-only payment, which is less than a foster care payment.³⁸ States that treat kin differently from non-kin, but do not provide kin with IV-E foster care payments, will not be affected by ASFA.

Some states provide payments to kin that are greater than TANF but less than the foster care rate. For example, in Arizona, the child welfare agency provides an auxiliary payment (averaging \$70/month) to provide for basic needs as well as payments for one-time expenses, in addition to the TANF child-only payment. Similarly, Ohio allows its

³⁷ Among these states, Vermont provides a provisional foster care rate that is slightly less than the normal foster care payment; in California the child must be IV-E eligible to receive foster care, and if not they receive TANF; and in Nebraska and Oklahoma kin can choose to receive foster care or TANF.

³⁸ Including California, which provides TANF to kinship caregivers caring for non-IV-E eligible children. In addition to these states, Georgia, Oklahoma, Nebraska, and Rhode Island allow kin to choose to receive

counties to provide support to kin caregivers with local revenues. In Illinois, kin receive a rate, paid with state funds, that is less than a foster care payment but greater than the TANF child-only payment. In most instances, assessment standards that do not provide foster care payments for kin are less formalized and sometimes less strict than assessment processes that provide foster care payments.

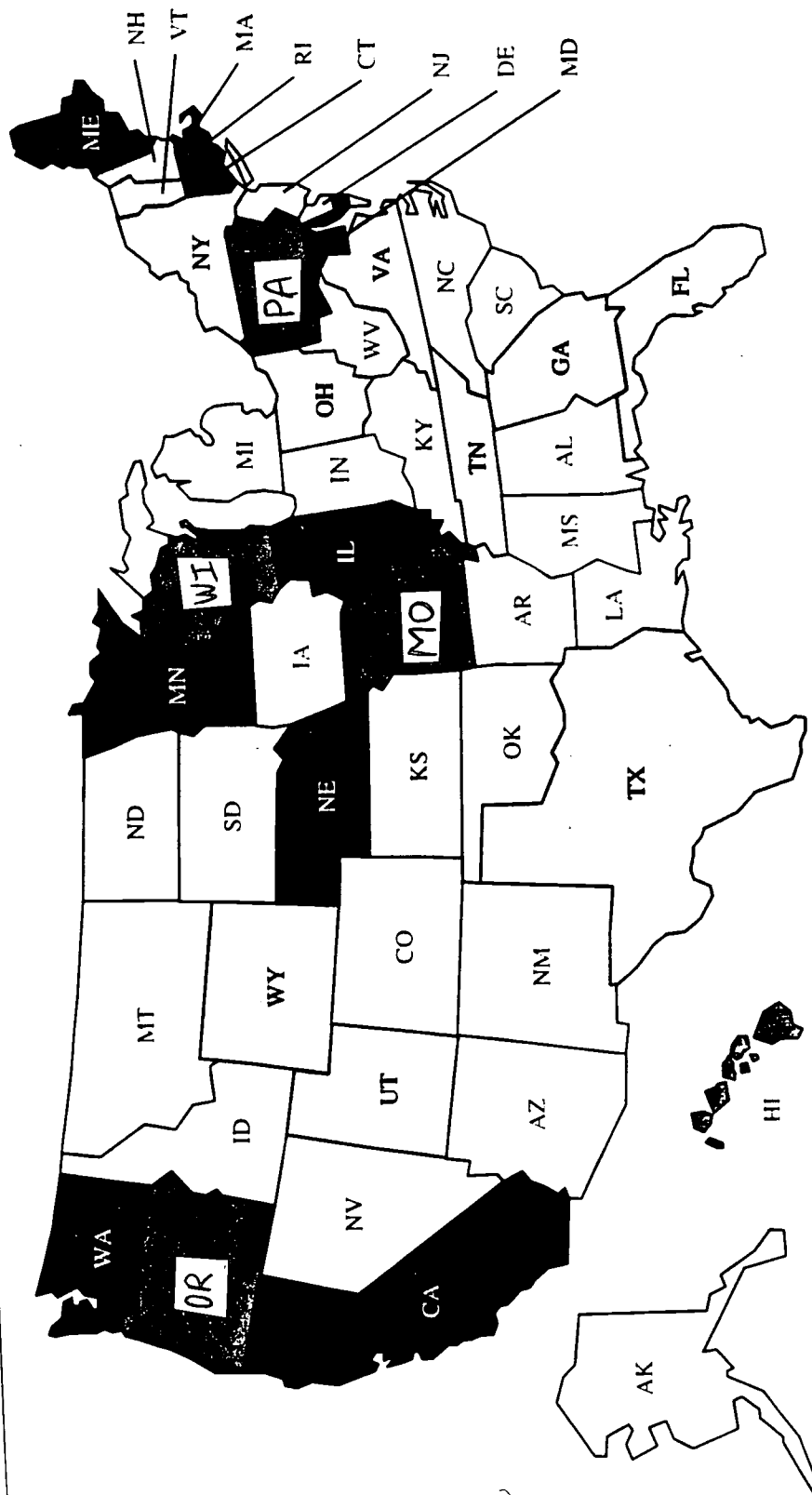
More than half of the states that help place children who are not in state custody with kin reported that workers are required to inform kin of their eligibility for TANF payments and refer these kin to the appropriate office. Twenty-two states have an agency policy that requires workers to inform kin of their eligibility for TANF child-only payments, and in 21 of these states caseworkers must refer kin to the appropriate TANF office. In eight states, caseworkers are required to help arrange for kin to receive TANF payments.³⁹






Provisionally Licensed Kin

As noted above, most kinship caregivers are initially provisionally licensed. While the Urban Institute survey did not ask about provisionally licensed kin, many states do provide them with federal foster care payments. The ASFA final rule will apply to kinship care situations that begin as emergency placements or in which the kin caregiver is provisionally licensed. The ASFA final rule states that, because these kinship caregivers do not yet meet all of the requirements for full licensure, they may not receive federal title IV-E funds.

TANF instead of foster care. Also, in Florida and Washington approximately 90 percent of kinship care kids are not in state custody and may receive TANF—see Non-custody below.

Figure 3. Licensing Standards and Payments for Kinship Foster Parents



-  Kin may meet a less stringent licensing standard and receive the foster care rate (n=8).
-  Kin must meet non-kin licensing standard to receive foster care, but some standards are waived or modified (n=16).
-  Kin must meet full non-kin foster care standards in order to receive foster care payment (n=27).
-  *Kin may meet a less stringent standard and receive a lower payment (usually TANF).
-  + State may help place children with kin without taking state custody.

Non-custody

A few states have formalized programs for kin caring for children not in state custody. Illinois's "Extended Family Support Program" fact sheet reports that "It is estimated that over 100,000 relatives in Illinois are providing care for a related child without support from the formal child welfare system." This state-funded program provides kinship families with a three-month assignment to a caseworker, assistance in getting aid, assistance in attaining guardianship, and access to limited funding for bedding, food, uniforms, etc.

Both Florida and Washington estimated that about 90 percent of kinship caregivers known to the state care for children who are not in state custody. In Florida, participants in the "Relative Caregiver Program" are eligible for payments from TANF,⁴⁰ as well as Medicaid, child care, and a clothing allowance. There is no time limit for these payments and benefits, which continue after guardianship is achieved or if the child remains in long-term foster care. In order to be eligible for the program, the child must be adjudicated dependent by the court, the relative must be approved through a home study and record checks, and the degree of relationship can be no greater than first cousin once removed.⁴¹

Wisconsin's Kinship Care Program is not limited to children whose placement has been arranged by a court or other public agency, as is true for the foster care program, but

⁴⁰ These payments are 70 to 80 percent of the foster care rate.

⁴¹ In Washington, child welfare workers assess kin who care for children not in state custody (with parental agreement) by performing health and safety checks, which include a preliminary assessment of the family and home, as well as police and criminal records checks. These kin caring for a child not in state custody receive a TANF child-only payment.

is also available to children placed with relatives voluntarily within the family. To determine eligibility for the Kinship Care Program, a social worker determines whether there is a need for the child to be living with the relative and whether the child meets or is at risk of meeting statutory criteria for receiving protective services. The child welfare agency conducts background checks of the relative, any employee of the relative, or other adult household member to see if they have arrests or convictions that could adversely affect the relative's ability to care for the child. Kinship care benefits are funded mostly with TANF funds but are not limited to those with low incomes,⁴² and the program is not part of the TANF agency but is administered by the local child welfare agency.

Proportion of Kin Receiving Foster Care or TANF

Of the 26 states⁴³ and the District of Columbia that offer kin more than one payment option, 15 states and the District of Columbia were able to estimate the share of kin receiving either foster care or TANF (see figure 4). In eight states and the District of Columbia, the majority of kinship caregivers did not receive foster care payments. In four states, all or most kin received a foster care payment. In three states, about half of kin received foster care payments. It is interesting to note that in each of the states which estimated that most kin caring for children in state custody receive TANF instead of foster care payments, the child welfare definition of kin is broader than the state's TANF definition. Thus, some kin caring for children may not receive either payment if they are

⁴² Although children are not eligible if they are receiving SSI.

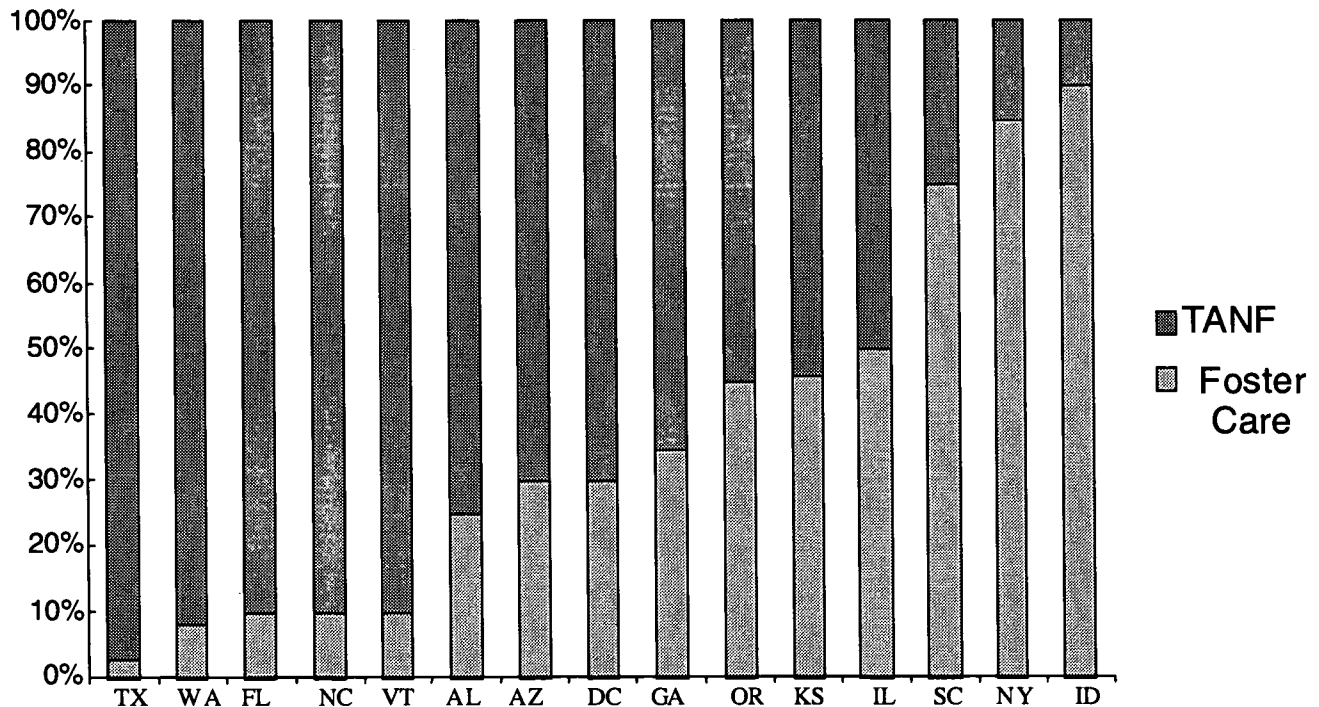
⁴³ Including California, which provides a foster care payment to all kin caring for IV-E eligible children and TANF to kin caring for non-IV-E eligible children, and Florida and Washington, which pay foster care to kin caring for children in state custody but in which approximately 90 percent of public kinship caregivers care for children not in state custody and are supported with TANF.

unable to meet the requirements necessary to receive a foster care payment and do not meet the TANF definition of relative.

Informing Kin of Their Options

In 40 states and the District of Columbia, kin have the option of at least one approval process other than the non-kin foster care standards. However, it is not clear to what extent kin are aware of their assessment options or the impact that they may have on the payment that they receive. Most state policies that were received do not discuss how or whether kin are informed of assessment and payment options.

Figure 4. Percentage of Kin Receiving Foster Care or TANF (n=15)



Supervision Provided to Public Kinship Care Families

Several previous studies show that in practice child welfare workers tend to provide less supervision to public kinship care families than to non-kin foster families.⁴⁴ Experts have argued that this is due to a perception among caseworkers that kinship placements are either separate from the child welfare system or fundamentally safer than placements with non-kin providers.⁴⁵ In addition, they argue that caseworkers may fail to initiate or sustain regular contact with public kinship care families because they assume that kinship caregivers prefer limited contact with the agency.⁴⁶

States' responses to our survey suggest that most state policies require caseworkers to provide the same amount of supervision to kin as to non-kin foster parents. However, some state policies allow less supervision to kin who have been approved by a standard other than the full non-kin foster care standard. All states reported that in policy they provide the same amount of supervision to fully licensed kinship foster parents as to non-kin foster parents,⁴⁷ and 15 of the 16 states with a waived category reported that policies require that kin receive the same amount of supervision (see table 4).⁴⁸ Of the 31 states and the District of Columbia with a different kin approval process, 23 states and the District of Columbia have policies that allow caseworkers to provide the same amount of

⁴⁴ Beeman et al. 1996; Berrick et al. 1994; Brooks and Barth 1998; Chipungu et al. 1998; Dubowitz 1990; Gebel 1996; Iglehart 1994.

⁴⁵ Berrick et al. 1994.

⁴⁶ Thornton 1987, as cited in Coupet 1996. Studies have also found that child welfare caseworkers provide less information to kinship caregivers than to non-kin foster parents (Chipungu and Everett 1994; Chipungu et al. 1998).

⁴⁷ Maryland reported that kin receive more supervision.

⁴⁸ Among these 15 states, Georgia provides the same amount of supervision to kin approved by the waived standard who choose to receive a foster care payment but less supervision to those who choose to receive TANF. In West Virginia, kin assessed by the waived standard receive less supervision; however, this standard is used for relatives who agree to become the child's legal guardian.

supervision to kin, 7 states' policies allow for less supervision, and 1 state reported that its policy requires more supervision to kin compared to non-kin foster parents.⁴⁹

Compared to non-kin foster parents, most state policies allow caseworkers to provide less supervision, or none at all, to kin caring for children not in state custody. Eighteen states reported that their policies do not require caseworkers to provide supervision to non-custody kinship placements, and 11 states' policies allow caseworkers to provide less supervision than to non-kin foster parents. Only 6 states said that policy requires workers to provide the same amount of supervision, and 4 states reported that the level of supervision depends on the individual situation.⁵⁰

Many of the policies provided by the states in addition to the survey did not address the amount of supervision that caseworkers should provide to kin. Some policies are like Louisiana's, which simply states that "The department shall supervise the child's placement for the duration of the time the department has custody of the child." Some policies are more specific. For example, the District of Columbia's policy states that "The social worker is responsible for providing ongoing supervision and monitoring of the child's placement in the kinship home, through the point of case closure. This monitoring will entail visiting the child(ren) and kinship family, in the home, at least once

⁴⁹ It appears that the amount of supervision provided to kin may be linked to the type of payment that they receive, with those receiving a foster care payment more likely to get the same amount of supervision as non-kin foster parents than are those receiving a lesser payment. Of the 24 states that pay foster care to kin who are assessed by a standard other than the non-kin foster care standards (waived or approved), all but two have policies that provide the same amount of supervision to these kin as to non-kin. However, of the 25 states and the District of Columbia that provide kin with a lesser payment, 8 provide these kin with less supervision.

⁵⁰ Two states provide less supervision or none depending on the situation, one state provides the same amount of supervision or none depending on the situation, and one state imply said that the amount of supervision depends on the family.

a week, during the first four weeks and once a month thereafter. Each visit must include a private discussion with the child(ren), and one with the kinship caregiver(s), to ensure that services are being provided and utilized appropriately and to assist the family to identify and resolve any problems related to the child's(ren) care or placement.”

Additional research is needed to determine why kin receive less supervision in practice, and to what extent this reflects policy or caseworker practice.

Table 4. Level of Supervision Provided to Kin Compared to Non-Kin Foster Parents By Assessment Category

<i>State</i>	<i>Foster Care</i>	<i>Waived</i>	<i>Kin-Specific Process</i>	<i>Voluntary</i>
Alabama	same	same	same	less or none
Alaska	same			same
Arizona	same		same	less
Arkansas		same		
California			same	
Colorado	same		same	
Connecticut			same	none
Delaware	same		same	less
District of Columbia	same		same	
Florida	same			same or less
Georgia		it depends*		
Hawaii	same			less
Idaho	same		same	less or none
Illinois	same		same	
Indiana	same			none
Iowa	same			less
Kansas	same		same	
Kentucky	same		same	less
Louisiana	same		more	less
Maine	same		less	none
Maryland	more		same	
Massachusetts		same		same
Michigan		same	same	none
Minnesota	same			
Mississippi		same	same	same
Missouri	same	same		none
Montana		same	same	same or none
Nebraska	same		same	
Nevada		same	same	none
New Hampshire	same		same	none

Table 4. Level of Supervision Provided to Kin Compared to Non-Kin Foster Parents By Assessment Category

<i>State</i>	<i>Foster Care</i>	<i>Waived</i>	<i>Kin-Specific Process</i>	<i>Voluntary</i>
New Jersey	same		same	same
New Mexico	same	same		none
New York			same	less
North Carolina	same		less	none
North Dakota	same			
Ohio	same		less	none
Oklahoma			same	
Oregon		same	less	none
Pennsylvania	same			none
Rhode Island		same		same
South Carolina	same		same	less
South Dakota	same		same	none
Tennessee		same		less
Texas		same	less	less
Utah	same			less
Vermont	same		same	none
Virginia	same			none
Washington		same		same
West Virginia	same	less		none
Wisconsin	same		less	none
Wyoming	same		less	none

Services Provided to Public Kinship Caregivers

The Urban Institute survey did not ask states about service provision to kin, though researchers have examined the issue and some states' policies address services for kin. Research indicates that in practice kin request fewer services and are referred for, offered, and actually receive fewer services for themselves and for the children in their care than non-kin foster parents.⁵¹ While this may reflect variations in their service needs, kinship caregivers may request fewer services because they are unaware of them or they prefer to rely on informal sources of support.⁵² Also, as described earlier, child welfare caseworkers may treat public kinship caregivers differently from non-kin foster parents.

Some state policies do acknowledge the importance of services for kinship families. For example, a Pennsylvania child welfare agency bulletin warned that "The tendency of providing a less intense level of service when care is given by a kinship care giver needs to be avoided." Missouri's policy states that:

"Placement support services are equally as important in kinship care as in any other type of out-of-home placement. The extent and frequency of support services will vary depending on the child's needs and the kin's capacity to meet those needs. The Social Worker should not assume that the close relationship between the child and kin precludes the need for regular contacts with the child and family and supportive services."

Some state policies specify the services that should be provided to kin. For example, Maryland's policy states that "The following services shall be provided to the Oparents, kinship parents, and children in all kinship placements: individualized written service agreement; reunification services; visits by the worker with the kinship parent in

⁵¹ Barth et al. 1994; Berrick et al. 1994; Chipungu and Everett 1994; Chipungu et al. 1998; Cook and Ciarico 1998.

the kinship parent's home and with the child in or outside of the home; medical care; educational services; periodic reviews of each child's status; permanency planning hearings; case records; permanency planning services; post-placement services when the child is reunified with the parent from kinship care, or when placement with the kinship caregiver is the permanent placement for the child."

⁵² Le Prohn and Pecora 1994.

Table 5. State Changes in Kinship Care Policy (1997-99)

<i>State</i>	<i>Definition of Kin</i>	<i>Assessment</i>	<i>Payment</i>
Alabama		Added waived standard.	
Alaska	Changed from including only those related by blood, marriage, or adoption to include those beyond.	Stopped offering separate kin standard.	Stopped supporting kin with TANF.
Arkansas		Stopped offering separate kin standard but Started offering waived standard.	
California		In 1997 assessed kin seeking foster care payment by non-kin foster Care standard and other kin by separate kin standard; in 1999 assessed all kin by kin-specific standard, unless kin wish to care for additional non-kin foster children. Created a kin-specific approval process.	
Colorado			
Florida		Added non-custody "Relative Caregiver Program."	
Hawaii		Stopped offering a waived standard.	
Kentucky		Stopped offering waived standard, started offering separate kin standard.	Started supporting some kin with TANF.
Maine			In 1997 provided AFDC to kin assessed by separate kin standard; in 1999 provided foster care payments.

Table 5. State Changes in Kinship Care Policy (1997-99)

<i>State</i>	<i>Definition of Kin</i>	<i>Assessment</i>	<i>Payment</i>
Minnesota	Changed from including only those Related by blood, marriage, or Adoption to include those beyond.		
Nevada			In 1997 provided foster care payments to kin assessed by separate kin standard; in 1999 provided TANF.
North Dakota		Stopped offering separate kin standard.	Stopped supporting some kin with TANF.
South Dakota			Stopped providing foster care to kin approved by separate kin standard; provides TANF instead.
Virginia		Stopped offering waived standard.	
Washington		Stopped offering separate kin standard; offers non-custody standard.	
West Virginia		Added waived standard for kin who agree to become legal guardians.	
Wisconsin		Added Kinship Care Program to include children not in state custody.	

Table 5. State Changes in Kinship Care Policy (1997-99)

<i>State</i>	<i>Definition of Kin</i>	<i>Assessment</i>	<i>Payment</i>
Wyoming			Stopped providing foster care payments to kin assessed by separate kin standard, offer TANF.

Notes: Some states changed responses to the 1997 survey. These changes do not reflect a change in policy but in reporting of 1997 policy.

Georgia: 1997 responses were re-categorized to include a waived standard but not a different kin process.

Idaho: 1997 response changed to indicate that kin assessed by the different standard received AFDC, not foster care.

Kansas: 1997 response changed to indicate that the state did offer a different standard for kin.

Louisiana: 1997 response was changed to remove the waived category as an option for kin because these waivers could be made for non-kin foster parents as well.

Massachusetts: 1997 response was changed to reclassify the different kin standard as a waived standard.

Michigan: 1997 definition of kin changed to include those beyond blood, marriage, or adoption.

Missouri: 1997 response was changed to reclassify the different kin standard as a waived standard.

Montana: 1997 response was changed to reclassify the different kin standard as a waived standard.

New Jersey: 1997 response was changed to remove the waived standard.

Rhode Island: 1997 was changed to remove separate kin standard which provided TANF; noted that kin assessed by waived can choose foster care or TANF payment.

Texas: 1997 response changed to include different kin standard that provided AFDC.

Permanency

Permanency in the child welfare system means securing a stable living arrangement as quickly as possible for children who must be permanently removed from their parents' homes. States offer numerous permanency options to kin caring for children in state custody for whom child welfare has determined that reunification is not possible. These options include adoption, guardianship, and long-term foster care. However, the unique nature of kinship care often makes traditional plans for permanency problematic.

ASFA is the first federal legislation that names kinship care as a potential permanent placement. The act specifies that placement with a "fit and willing relative" may constitute an acceptable permanent placement. However, neither the act nor the final rule define "fit and willing relative." Thus, it is uncertain whether HHS would mandate that the relative be licensed as a foster parent in order to place a child permanently with a relative.

Adoption

Adoption is generally considered the most desirable permanency option for children in foster care, as it provides the greatest legal safeguards for permanency. However, some experts argue that adoption may not be an acceptable permanency goal for all kinship care families, because although most kinship caregivers express a willingness to care for the child until adulthood, they may perceive adoption as unnecessary, since the child and the caregiver are already members of the same family. Moreover, adopting the child would mean terminating the rights of the biological parents,

which could cause conflict with the child's parents.⁵³ Kin caregivers may also hope that the biological parent will someday be able to resume parenting responsibilities.⁵⁴

All states allow kin to adopt foster children whose parental rights have been terminated. However, in order to qualify for an adoption subsidy, the child must be considered "special needs," which is the case for both kin and non-kin foster parents. A special needs child is one "to whom the State determines there is a specific condition or situation, such as age, membership in a minority or sibling group, or a mental, emotional, or physical handicap, which prevents placement without special assistance."⁵⁵ States make monthly payments for special needs children, which may not exceed the amount that the family would have received were the child in foster care.

The Urban Institute survey found that 49 states and the District of Columbia offer subsidized adoption as a permanency option for kin caring for children considered to be "special needs" (see table 6).⁵⁶ While most kinship care policies that were provided did not discuss adoption, the District of Columbia's policy states, "With the exception of reunification, adoption provides the strongest possible legal guarantees for permanency. Adoption should be the first permanency option for any child(ren) for whom parental rights have been relinquished or terminated. It must also be the first option discussed with the kinship caregiver(s) and if possible, the parent(s), when the determination is made that reunification is not possible."

⁵³Berrick et al. 1994; McLean and Thomas 1996; Thornton 1991.

⁵⁴McLean and Thomas 1996; Testa et al. 1996.

⁵⁵ U.S. House of Representatives 1998.

⁵⁶ Including Idaho, which requires that the kin must be a relative in order to be eligible.

Table 6. Permanency Options Available to Kin

<i>State</i>	<i>Subsidized Adoption</i>	<i>Guardianship</i>	<i>Subsidized Guardianship</i>	<i>Long-Term Kinship Foster Care</i>
Alabama				X
Alaska	X	X	X	X
Arizona	X	X	X	X
Arkansas	X	X		X
California	X	X	X	
Colorado	X	X		X
Connecticut	X	X	X	X
Delaware	X		X	X
District of Columbia	X	X		
Florida	X	X		X
Georgia	X	X		X
Hawaii	X	X	X	X
Idaho	X	X		X
Illinois	X	X	X	
Indiana	X		X	X
Iowa	X	X		
Kansas	X	X	X	X
Kentucky	X		X	X
Louisiana	X	X	X	
Maine	X	X		X
Maryland	X	X	X	
Massachusetts	X	X	X	X
Michigan	X			X
Minnesota	X		X	X
Mississippi	X	X		X
Missouri	X	X	X	X
Montana	X	X	X	X
Nebraska	X	X	X	X
Nevada	X	X		X
New Hampshire	X	X		X

Table 6. Permanency Options Available to Kin

<i>State</i>	<i>Subsidized Adoption</i>	<i>Guardianship</i>	<i>Subsidized Guardianship</i>	<i>Long-Term Kinship Foster Care</i>
New Jersey	x	x		
New Mexico	x	x		
New York	x	x		x
North Carolina	x	x	x	x
North Dakota	x	x	x	x
Ohio	x	x		
Oklahoma	x	x		x
Oregon	x	x	x	x
Pennsylvania	x	x		
Rhode Island	x	x		x
South Carolina	x	x		x
South Dakota	x	x	x	x
Tennessee	x	x		x
Texas	x			x
Utah	x	x	x	x
Vermont	x	x		x
Virginia	x	x		
Washington	x	x	x	
West Virginia	x		x	x
Wisconsin	x	x		x
Wyoming	x	x	x	x

Guardianship

Unsubsidized Guardianship

Many states also use guardianship as a permanent living arrangement for children in kinship foster care. Guardianship enables kin to assume long-term care of the child without severing the parent-child relationship. However, guardianship does not provide the same protections against later, unexpected changes in custody that adoption does and may be seen by some as less than a total commitment to permanency.⁵⁷ Because the rights of the child's biological parents do not have to be terminated, most guardianship programs require less court involvement and usually less child welfare agency supervision.

Forty-two states and the District of Columbia reported that they offer unsubsidized guardianship as a placement option for kin.⁵⁸ Kansas's policy defines permanent guardianship as "a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining without ongoing oversight or intervention." The permanent guardian stands *in loco parentis* and exercises all the rights and responsibilities of a parent." Kansas's policy lists advantages of guardianship, including that "When adoption is not appropriate, for any reason, guardianship provides the guardian and the child with the assurance that the placement will not be disrupted due to the challenge to the guardianship by a parent." At the same time, "The child's legal relationship with family members is not terminated." Disadvantages of guardianship

⁵⁷ Takas 1993.

include the “loss of foster care payment and supportive services,” as well as the fact that guardianship “Does not provide the child with all the rights of an adopted child” and that “If the placement dissolves, a child in need of care hearing is required.”

Subsidized Guardianship

Some states offer subsidized guardianship, which provides a stipend that can be as much as a foster care payment. Unlike foster care maintenance payments and adoption subsidies, guardianship payments are not eligible for federal reimbursement.⁵⁹ However, the Department of Health and Human Services has issued title IV-E waivers to seven states⁶⁰ to test the effectiveness of subsidized guardianship programs for kinship care families.

Twenty-five states reported that they offer subsidized guardianship as a permanency option for kin.⁶¹ Some states provided policies for their subsidized guardianship programs. Connecticut established a subsidized guardianship program for relative caregivers in 1998, which is funded with state dollars. In order to be eligible for subsidized guardianship, children must be in state care or custody, living with a relative caregiver, and must have been in foster care for at least 18 months, and the home must undergo a home study. Benefits include a lump sum payment for one-time expenses, a medical subsidy, as well as a monthly subsidy equal to the “prevailing foster care rate.”⁶²

⁵⁸ Some states also reported that kin have the option of permanent legal custody.

⁵⁹ Welty 1997.

⁶⁰ Delaware, Illinois, Maryland, Montana, New Mexico, North Carolina, and Oregon.

⁶¹ In Missouri, the kin must be a grandparent, aunt, uncle, or adult sibling; in Minnesota, a means test may reduce the payment.

⁶² An asset test may reduce the amount of the subsidy.

Connecticut’s subsidized guardianship policy stipulates that “If adoption of the child by the relative caregiver is an option, the commissioner shall counsel the caregiver about the advantages and disadvantages of adoption and subsidized guardianship so that the decision by the relative to request a subsidized guardianship may be a fully informed one.”

In Nebraska, the subsidized guardianship program “is designed to ensure that financial barriers or costs associated with a child’s needs do not prevent the appointment of a guardian for a child as a preferred alternative to long-term foster care....” Children are eligible for the program if they are wards of the child welfare system and meet the criteria for subsidized guardianship, including a documented behavioral, emotional, physical, or mental disability; membership in a sibling group of three or more to be placed together; they have a strong attachment to the potential guardian; or they are age 12 or older or, if younger, are part of a sibling group or are attached to the proposed guardian and cannot be freed for adoption. The benefits of subsidized guardianship in Nebraska include monthly maintenance payments, not to be greater than the foster care rate; medical payments; and payments for residential psychiatric care.

California’s new Kin-GAP program is a subsidized guardianship program for relative caregivers. Unlike the state’s kinship foster care program, the funding for Kin-GAP comes from TANF and from state and county funds. This allows children to participate regardless of their IV-E eligibility.

Long-Term Foster Care

Some states also offer long-term foster care as a permanency option for kin caring for children for whom reunification is not possible. Long-term foster care is often deemed appropriate only for older children or for those who have been in foster care for a number of years. However, this option does not provide the legal safeguards of adoption or guardianship, and some argue that it is not an acceptable permanency outcome.

Thirty-nine states reported that they offer long-term foster care as a permanency option for kin under some circumstances, although many noted that it is rarely used and often only as a last resort. For example, in Colorado “the county department shall consider long-term foster care as a permanency goal for children who cannot be returned home, placed for adoption or guardianship.” Also, some states require children to be of a certain minimum age for long-term foster care to be considered an acceptable permanency option, or the child must have been in foster care for a minimum number of years. For example, in the District of Columbia, a child must be at least 12 and have been in a foster home for at least two years to be considered eligible for long-term foster care.

Conclusion

Summary

The Urban Institute Child Welfare Survey, which collected information regarding state kinship care policies in 1999 prior to the ASFA final rule, clearly demonstrates that state policies regarding kinship caregivers differ from policies for non-kin foster parents. Almost all states give preference to kin over non-kin foster parents when placing a child who was removed from the home. Some states define kin to include only those related by blood, marriage, or adoption, but other states include persons beyond, such as neighbors, godparents, or family friends. While some states require kinship caregivers to meet the non-kin foster care licensing standards, most states offer kin additional assessment options. Some states waive one or more of the foster care licensing requirements for kin, either on a case-by-case basis or for all kin as a group. Other states offer a different kin-specific approval process. Further, most states in some instances help place children with kin without taking state custody of the child.

In almost all states, some kin who care for children in state custody can receive foster care payments. Only three states deny foster care payments to kin caring for children who are not IV-E eligible. The type of payment that kinship caregivers receive is directly linked to the process by which they are assessed. All states provide foster care payments to kin who are licensed by the traditional non-kin foster care standards. All states that waive foster care requirements for kin also provide these kin with foster care payments. Some states with a separate kin approval process also provide foster care payments to kin,

although most of these states provide kin with a lesser payment, usually a TANF child-only grant.

Although research has shown that in practice kin often receive less supervision, most state policies allow caseworkers to provide the same amount of supervision to kinship caregivers as to non-kin foster parents. Some state policies allow caseworkers to provide less supervision to kin assessed by a lesser standard. Most states that help place children without taking state custody of the child have policies that require less supervision compared to non-kin foster parents, or none at all.

While the unique nature of kinship care may complicate traditional notions of permanency, states offer numerous permanency options to kin caring for children who are unable to be reunified with their parents. Almost all states offer subsidized adoption to kin caring for special needs children. Most states offer guardianship, and about half of the states offer subsidized guardianship. Most states also allow kinship children to stay in long-term foster care, although it is often a last resort.

The Urban Institute survey collected information about states' kinship care policies; however, less is known about how kinship care families are treated in practice. Many states offer multiple assessment and payment options, but we do not know to what extent kin are aware of and informed of these options. It is also unclear how the number and stringency of assessment options that a state offers affect the number of kin who serve as foster parents. Further research is needed to examine child welfare caseworker decision-making surrounding kinship care, including what factors caseworkers consider in determining whether or not to place a child in kinship care, whether caseworkers

encourage kin to become licensed as foster parents, and how (if at all) caseworkers treat kinship foster families differently from non-kin foster families.

Discussion

The paramount goal of child welfare policy is to protect children from abuse and neglect. Under federal law all foster children, whether placed with kin or non-kin, are entitled to “a case plan designed to achieve placement in a safe setting that is the least restrictive (most family-like) and most appropriate setting available in close proximity to the parents’ home, consistent with the best interest and special needs of the child.”⁶³ However, federal law has not specifically required that kinship foster homes meet all of the same standards as non-kin foster homes.

ASFA represents an effort on the part of the federal government to prevent children from being placed in inappropriate and unsafe kinship placements. In the ASFA final rule, the Department of Health and Human Services concludes that this can best be done by requiring that “foster homes, whether relative or non-relative, be fully licensed by the state,” meaning that kinship caregivers must meet all of the same licensing requirements as non-kin foster parents. However, acknowledging the differences between kinship and non-kin foster care, some states have developed comprehensive policies specifically for kin that recognize and address issues unique to kinship care, such as the impact on family dynamics or parental access to the child. It seems that a tension remains between ensuring the same level of safety for children in kinship care while at

the same time accounting for the inherent differences between kinship care and non-kin foster care.

Kinship care policy also involves issues concerning federal versus state decision-making. Historically, the federal government has been vague in addressing states' licensing and payment of kinship caregivers, resulting in significant state variation. The ASFA final rule does not prohibit states from placing children in kinship homes that do not meet the foster care standards, but merely makes it a requirement for receiving federal IV-E reimbursement. Similarly, the final rule allows states to place children with kin in emergency situations and to provisionally license kin, but denies these kin federal funds to support the children in their care. In *The Report to Congress on Kinship Care*, the Secretary of the Department of Health and Human Services states that "Federal oversight should remain where Federal dollars are used, but there should be flexibility at the state and local level to determine their own assessment procedures."

The issue is further complicated by the fact that while the ASFA final rule requires that a state's kinship care standards be the same as its non-kin foster care licensing requirements, it does not require that foster care policies be uniform across states. Thus, it is plausible that a kinship caregiver assessed by a kin-specific process in one state may in fact be required to meet more stringent licensing requirements than a non-kin foster parent in another state. Further, some have argued that many foster care licensing requirements, such as square footage of the home or number of bedrooms, are more a

⁶³ Section 475, Social Security Act.

reflection of middle-class values than the ability of a foster parent to adequately care for a child.

The ASFA final rule will impact licensing and payment policies for kinship caregivers in at least 17 states and the District of Columbia. These states use federal IV-E funds to support kin who are assessed by standards different from those applied to non-kin foster parents. The ASFA final regulations require these states to either waive requirements for kin on a case-by-case basis only, require all kin to meet the non-kin foster care standards, or support these kin with state-only dollars or TANF. Many states will also be affected by the new restrictions on federal reimbursement for provisionally licensed kinship caregivers for emergency placements.

While relatives and friends have long cared for children in times of need, public kinship foster care is a fairly new phenomenon and kinship care policy is still in flux. In the short period of time between our surveys in 1997 and 1999, 18 states altered the way that they define, assess, or pay kinship care providers (see table 5). The federal government also has not reached a definitive stance regarding the treatment of kinship care. Congress, as part of the Adoption and Safe Families Act, acknowledged the need for further examination of kinship care and required that a report be written encompassing the available research on kinship care. In *The Report to Congress on Kinship Care*, the Secretary of the Department of Health and Human Services states that, with regard to programs serving kinship care families, “Until we better understand the implications for these children of these innovations, the Department believes it is premature to make major policy change.”

Policies regarding the licensing and payment of foster parents can be viewed in a number of ways. A foster care payment may serve as an incentive for people to care for a child. The fact that kinship foster parents often receive lesser payments may reflect the belief that kin need less incentive to care for a related child than non-kin foster parents need to care for an unrelated child. Foster care payments may also be viewed as the cost for purchasing a good, a foster home. By this mode of thinking, a kinship home that is able to meet the foster care standards is looked at as a higher-quality good, which should therefore demand a higher price. However, it is important to remember that foster care payments by definition are intended to help the foster parent provide and care for abused and neglected children. When we view a kinship foster as, above all, a place for a child to be healthy and safe, the link between assessment and payment may need to be reevaluated.

Most would agree that children should not be placed with kin who are unable to provide a safe environment. However, if a kinship care home is determined to be a safe placement for a child but is unable to meet all of the foster care requirements, denying funds to support the child may make it more difficult for the kinship caregiver to provide a safe environment. Some have argued that providing foster care payments to kin may give parents an incentive to abandon their children so that kin may receive a foster care payment or may provide an incentive for private kinship caregivers to become part of the public child welfare system. Nevertheless, all states currently provide foster care payments to some kin, although the type of payment provided is linked to the stringency of the process by which kin are assessed.

Recognizing the potential benefits of kinship care, and due to a shortage of non-kin foster parents, states have increasingly looked to place children with kin. Kinship care placements may offer many potential benefits that non-kin foster homes cannot, such as less trauma for the child and greater continuity with the child's family and community. However, as clearly implied by the ASFA final rule, simply because a child is placed with kin does not mean that the placement is necessarily safe. The challenge to policymakers is to ensure the safety of children in kinship care while at the same time acknowledging and serving their unique needs.

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